



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
EPA OIG, 1200 SIXTH AVENUE
SEATTLE, WA 98101**

FINAL REPORT OF INVESTIGATION CONCERNING

[REDACTED]
OC-SE-2010-ADM-0587

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Distribution:

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STAFF

Approvals:

Special Agent

Special Agent in Charge

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.: OC-SE-2010-ADM-0587 **DATE OPENED:** 09/15/2010
CASE TITLE: [REDACTED] **CASE AGENT:** [REDACTED]
CASE CATEGORY: EMPLOYEE INTEGRITY **OFFICE:** OFFICE OF INVESTIGATIONS
JOINT AGENCIES: None
JURISDICTION: DISTRICT OF COLUMBIA

SECTION A - NARRATIVE

Predication

This case was opened on August 10, 2010, when the Office of Inspector General (OIG), Office of Investigations, Oversight & Special Review, took receipt of a Hotline Complaint alleging EPA employee [REDACTED], Program Analyst, Office [REDACTED] Office of Administration and Resources Management, Washington, D.C., had committed travel fraud. The complainant, EPA employee [REDACTED] informed the [REDACTED] that [REDACTED] two travel vouchers (TV) submitted by [REDACTED] [REDACTED] numerous unauthorized charges on [REDACTED] government issued travel card. (See Exhibit 1)

Possible violations:

1. UNKNOWN-ADM, Unknown/Unavailable Administrative Statute

Impact/Dollar Loss

Employee Integrity

Synopsis

On November 10, 2010, the OIG interviewed [REDACTED] During that interview, [REDACTED] explained [REDACTED] two TVs submitted by [REDACTED] that appeared suspicious and were inconsistent with these types of travel. The first travel was for [REDACTED] trip to Orlando, Florida to attend the Federal Executive [REDACTED] Program during [REDACTED] 2010, thru [REDACTED]

2010. [REDACTED] stated the numerous inconsistencies contained in the TV for that trip lead [REDACTED] believe [REDACTED] had committed travel fraud. The second travel was for [REDACTED] trip to New Orleans, Louisiana from [REDACTED] 2010. [REDACTED] claimed [REDACTED] had manipulated [REDACTED] travel for personal reasons without authorization. While it appeared [REDACTED] exhibited a pattern of suspicious behavior involving [REDACTED] travel, [REDACTED] provided plausible explanations that this investigation was unable to refute. Further, the travel documents reviewed during this investigation that had been submitted by [REDACTED] prior to and at the conclusion of [REDACTED] travels had been ultimately reviewed and approved by [REDACTED] management. This investigation determined even though [REDACTED] exhibited a pattern of questionable behavior involving [REDACTED] travel, no records were found indicating [REDACTED] had been officially reprimanded by [REDACTED] management. Furthermore, as of the date of this report, all monies owed to the agency by [REDACTED] [REDACTED] had been paid and accounted for. This investigation identified additional allegations. After reviewing records provided by [REDACTED] the OIG identified two charges by ENTERPRISE CAR RENTAL on [REDACTED] government issued travel card. These charges appear to have been unauthorized since they were not associated to any approved travel for [REDACTED] (See Exhibit 2)

Details

Allegation 1: Office of the Comptroller Policy Announcement NO. 99-05, Government Travel and Transportation Charge Card Program

Allegation 1 Findings: During [REDACTED] initial interview on November 10, 2010, [REDACTED] explained [REDACTED] TV for [REDACTED] trip to Orlando, Florida contained unusually high amounts of cash advances. [REDACTED] and [REDACTED] indicated [REDACTED] In addition, [REDACTED] indicated [REDACTED] had rented a vehicle without authorization.

This investigation determined [REDACTED] withdrew a total of \$445.00 in cash advances during [REDACTED] trip to Orlando, Florida. According to [REDACTED] and [REDACTED], the full amount was eventually paid back to the Agency by [REDACTED] after [REDACTED] [REDACTED] This investigation was unable to determine if any of the cash was used for any personal expenses. The TV submitted by [REDACTED] documenting the cash withdraws were approved by [REDACTED] management and any discrepancies were resolved administratively prior to this investigation. Furthermore, according to documents provided by [REDACTED] the TV submitted by [REDACTED] that claimed \$250.05 for a rental vehicle and \$19.00 in gas, was approved by [REDACTED] management. For these reasons, this investigation was unable to substantiate this allegation. (See Exhibit 3)

Allegation 2: EPA Travel Policies and Procedures, Resources Management Directives, Travel Manual 2550B

Allegation 2 Findings: During [REDACTED] interview on November 10, 2010, [REDACTED] claimed [REDACTED] had manipulated [REDACTED] travel to New Orleans, Louisiana during [REDACTED] 2010, for personal reasons without authorization.

During [REDACTED] interview, [REDACTED] explained [REDACTED] supervisor at the time, [REDACTED] Office of Administration and Resources Management, Washington, D.C., approached [REDACTED] and recommended changes to [REDACTED] travel plans to New Orleans, Louisiana to accommodate [REDACTED] personal leave time. The OIG reviewed those travel documents and determine [REDACTED] had reviewed and approved [REDACTED] travel to New Orleans. This investigation was unable to substantiate the allegation that [REDACTED] had manipulated [REDACTED] travel plans without authorization. (See Exhibits 3 & 4)

Allegation 3: Office of the Comptroller Policy Announcement NO. 99-05, Government Travel and Transportation Charge Card Program

Allegation 3 Findings: During the course of this investigation, the OIG identified additional allegations involving [REDACTED] unauthorized use of [REDACTED] government travel card. Specifically, two disputed charges involving ENTERPRISE CAR RENTAL were noted on [REDACTED] travel card statements. According to a statement dated May 23, 2009, [REDACTED] had disputed a charge of \$554.84. That charge originated from ENTERPRISE on March 11, 2009. During [REDACTED] interview, [REDACTED] explained [REDACTED] rented a car every weekend from ENTERPRISE and [REDACTED] travel card was on file with the rental company. [REDACTED] stated the disputed charge was incorrectly charged to [REDACTED] travel card instead of [REDACTED] personal credit card. [REDACTED] claimed the mistake was corrected and the charge was removed from [REDACTED] travel card and transferred to [REDACTED] personal credit card. This investigation determined the information contained in [REDACTED] travel card statements contradicted [REDACTED] claim. The statements indicated the disputed charge was temporary credited and then that credit was later reversed and reapplied to [REDACTED] travel card. This investigation was able to determine that [REDACTED] travel card was charged \$554.84 by ENTERPRISE without authorization. (See Exhibit 2) According to a statement dated October 23, 2010, a disputed charge of \$1,697.30 had been posted to the account. The charge originated from ENTERPRISE on August 18, 2010. According to [REDACTED] [REDACTED] had rented a vehicle from ENTERPRISE for personal use for a period of approximately one month. Further, [REDACTED] stated [REDACTED] had unsuccessfully disputed the charge and failed to have ENTERPRISE transfer the balance to another credit card. During [REDACTED] interview [REDACTED] stated [REDACTED] did not specifically recall this incident. [REDACTED] recalled an incident where ENTERPRISE charged [REDACTED] approximately \$1800 - \$1900 for damage to a vehicle [REDACTED] had rented for [REDACTED] sometime around August 2010. According to [REDACTED], the charge had been removed from [REDACTED] travel card and then applied to [REDACTED] personal credit card. Further, [REDACTED] claimed the charge was still being disputed and asserted [REDACTED] travel card currently had a zero balance. This investigation was able to confirm that [REDACTED] travel card had a zero balance, however, according to the travel card statements, was unable to corroborate [REDACTED] claim that the balance was transferred to [REDACTED] personal credit card. This investigation was able to determine that [REDACTED] travel card was charged \$1,697.30 by ENTERPRISE without authorization. (See Exhibit 2)

Disposition

This case will be referred to EPA management for appropriate action.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: [REDACTED]
Title & Company: PROGRAM ANALYST & OARM, [REDACTED]
Role: Subject
Business Address: Ariel Rios Building, Washington, DC,
Business Phone:
EPA Employee: Y

SECTION C – PROSECUTIVE STATUS

ADMIN/CRIMINAL/CIVIL ACTION(S): [REDACTED]
On April 20, 2011, the OIG presented this investigation to the United States Attorney's Office (USAO), District of Columbia, for prosecution. The USAO declined prosecution in lieu of appropriate administrative action.

EXHIBITS

DESCRIPTION	EXHIBIT
MOI-11/16/2010 - Interview of [REDACTED]	1
MOA-12/02/2010 - Email Review	2
MOA-11/05/2010 - Document Review	3
MOI-06/02/2011-Interview [REDACTED]	4



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
TWO POTOMAC YARD
2733 SOUTH CRYSTAL DRIVE
ARLINGTON, VA 22202**

FINAL REPORT OF INVESTIGATION CONCERNING

[REDACTED]
OI-AR-2011-ADM-2850

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Distribution:

Approvals:

Special Agent

Special Agent in Charge

**OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS**

CASE NO.: OI-AR-2011-ADM-2850 **DATE OPENED:** 08/31/2011

CASE TITLE: [REDACTED] **CASE AGENT:** [REDACTED]

CASE CATEGORY: EMPLOYEE INTEGRITY **OFFICE:** OFFICE OF INVESTIGATIONS - NORTHEASTERN RESOURCE CENTER

JOINT AGENCIES: None

JURISDICTION: MARYLAND

SECTION A - NARRATIVE

Predication

The United States Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations, initiated this investigation on [REDACTED] 2011, base on allegations made by [REDACTED] [REDACTED] alleged [REDACTED] Division ([REDACTED]), Office of Ground Water and Drinking Water (OGWDW), Office of Water (OW), EPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460 (202) 564-[REDACTED] used [REDACTED] government travel card for personal expenses, used [REDACTED] government email and work time for personal business, and used the government fax machine to send forged documents. (Exhibit 1)

Possible violations:

1. TITLE 18 USC SEC 641, Embezzlement and theft of public money, property or records

Impact/Dollar Loss

Investigation determined there was no financial loss to the government.

Synopsis

Investigation determined that on [REDACTED] 2010, [REDACTED] inappropriately used his government travel card to purchase dinner for [REDACTED] and others after [REDACTED] travel status ended. Additionally, on [REDACTED] 2011, [REDACTED] used [REDACTED] government travel card to purchase fuel for [REDACTED] privately owned vehicle (POV) while not on travel status and without an approved travel authorization.

On January 23, 2012, this matter was presented to Assistant United States Attorney (AUSA) Paul Budlow, Criminal Division, Department of Justice, Baltimore, MD [REDACTED] who declined this matter for possible criminal prosecution.

Details

Allegation 1: [REDACTED] used [REDACTED] government travel card for personal use.

Allegation 1 Findings: On November 2, 2011, Special Agent (SA) [REDACTED] and SA [REDACTED] this office, interviewed [REDACTED] and advised [REDACTED] of [REDACTED] rights. [REDACTED] related [REDACTED] was under the impression temporary duty (TDY) starts when you leave your residence or office on the day of travel and ends when you return to either your residence or office. [REDACTED] further understood the travel card is only to be used for airfare, cabs, meals, rental cars and hotels while on TDY. [REDACTED] believed [REDACTED] signed the Memorandum of Understanding (MOU) that is required when you get a government travel card but could not recall. When asked if [REDACTED] ever misused [REDACTED] travel card, [REDACTED] stated [REDACTED] realized [REDACTED] had used [REDACTED] government travel card by mistake when [REDACTED] statement came in the mail. Review of the statement revealed a charge made at a gas station in [REDACTED] where [REDACTED] filled up [REDACTED] POV. At the time, it did not cross [REDACTED] mind to report the incident as [REDACTED] subsequently paid the bill. [REDACTED] stated there were no other incidents where [REDACTED] misused [REDACTED] travel card. The Reporting Agent asked about [REDACTED] 2010, when [REDACTED] used [REDACTED] travel card at Chipotle. [REDACTED] did not believe [REDACTED] did anything wrong and explained [REDACTED] was returning from a TDY trip on that date. [REDACTED] stated that when [REDACTED] landed at Baltimore Washington Airport (BWI), [REDACTED] called [REDACTED] to see if [REDACTED] wanted to have dinner. When [REDACTED] met [REDACTED] at Chipotle, [REDACTED] became aware that [REDACTED] [REDACTED] paid for everyone's dinner, not thinking there was anything wrong since it was [REDACTED] travel day and [REDACTED] had earned per diem. [REDACTED] figured it was the same as when people on TDY go to dinner in a group and the server does not split the bill. The people who have cash will pay someone from the group and they will pay the bill with their travel card. At the time, [REDACTED] did not think [REDACTED] did anything wrong. [REDACTED] stated [REDACTED] had a meeting with [REDACTED], Division Director, [REDACTED] OGWDW, OW, EPA, Washington, DC (202) 564-[REDACTED] in August of 2010. The meeting was prompted by an email [REDACTED] had written to [REDACTED] detailing possible EPA policy violations. [REDACTED] stated during the discussion [REDACTED] had to "spill all [REDACTED] dirty laundry", referencing [REDACTED] [REDACTED] was concerned about the misuse of [REDACTED] travel card and instructed [REDACTED] not to use the card to purchase anything for anyone but [REDACTED] (Attachment 2)

On January 3, 2012, SA [REDACTED] interviewed [REDACTED] [REDACTED] received the complaint in August 2010 from [REDACTED] via email. Attached to the email was a Chipotle restaurant receipt. According to [REDACTED] [REDACTED] was concerned about [REDACTED] travel status that day and whether it was allowable to pay for someones meal with the travel card other than the travel cardholder. [REDACTED] stated [REDACTED] used [REDACTED] travel card to pay for the meals for [REDACTED] and [REDACTED] own meal at Chipotle. [REDACTED] looked in the travel system to see what time [REDACTED] plane landed, then compared that time to the dinner receipt. [REDACTED] believed [REDACTED] should have been home and off travel status by the time [REDACTED] purchased the dinners. [REDACTED] [REDACTED] OGWDW, OW, EPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460 (202) 564-[REDACTED], confirm whether the complaint was a violation of EPA's travel policy. [REDACTED] contacted the EPA travel office and received an email on [REDACTED] 2010, from [REDACTED] Travel Branch, Cincinnati Finance Center, Office of Financial Services, Office of Chief Financial

Officer (OCFO), EPA, Cincinnati, Ohio, 45268 (513) [REDACTED]. The email stated [REDACTED] considered [REDACTED] actions as an improper use of the travel card. [REDACTED] forwarded the email to [REDACTED] had a meeting with [REDACTED] where [REDACTED] informed [REDACTED] that [REDACTED] was aware that [REDACTED] had misused [REDACTED] travel card. [REDACTED] did not tell [REDACTED] how [REDACTED] became aware of the incident. [REDACTED] informed [REDACTED] that using [REDACTED] travel card when [REDACTED] was not in travel status was a violation of EPA's travel policy. [REDACTED] stated [REDACTED] was very apologetic about the incident. [REDACTED] had known [REDACTED] for a while and believed [REDACTED] would not break the rules on purpose. [REDACTED] believed [REDACTED] used the card without knowing [REDACTED] was violating any policy and that [REDACTED] was under the impression it was allowed due to it being a travel day [REDACTED] and felt the situation was handled sufficiently. (Attachment 3)

Allegation 2: [REDACTED] used government email and work time for personal business.

Allegation 2 Findings: On January 3, 2012, SA [REDACTED] interviewed [REDACTED] did not consider [REDACTED] "de minimis" use of EPA equipment to be in violation of EPA policy. (Attachment 3)

Allegation 3: [REDACTED] used the government fax machine to send forged documents.

Allegation 3 Findings: On January 20, 2012, SA [REDACTED] reviewed the [REDACTED] documents provided by [REDACTED]. The purpose of the documents was to remove [REDACTED] from [REDACTED]. At the top of both pages of the documents, there was fax header information showing the documents were faxed from [REDACTED]. The first page provided [REDACTED] name and a [REDACTED] fax number. EPA records showed [REDACTED] at work. However, the documents did not provide any information showing [REDACTED] used the EPA fax to send these documents to [REDACTED] or that [REDACTED]. (Attachment 4)

Disposition

On January 23, 2012, this matter was presented to AUSA Paul Budlow, Criminal Division, Department of Justice, Baltimore, MD, who declined this matter for possible criminal prosecution since there was no financial loss to the government. (Attachment 5)

This matter was not presented to Suspension and Debarment Division (SDD), Office of Grants and Debarment (OGD), Office of Administration and Resources Management (OARM), EPA, Washington DC for opinion as [REDACTED] is an EPA employee.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: [REDACTED] [REDACTED]

Title & Company:

Role: Subject

Business Address: EPA East Building, Washington, DC, 20707

Business Phone: [REDACTED]

EPA Employee: Y

SECTION C – PROSECUTIVE STATUS

ADMIN/CRIMINAL/CIVIL ACTION(S): [REDACTED] [REDACTED]

On January 23, 2012, this matter was declined by AUSA Paul Budlow, Criminal Division, Department of Justice, Baltimore, MD, for possible criminal prosecution.

This matter was not presented to Suspension and Debarment Division (SDD), Office of Grants and Debarment (OGD), Office of Administration and Resources Management (OARM), EPA, Washington DC for opinion due to the fact that [REDACTED] is an EPA employee.

EXHIBITS

<u>DESCRIPTION</u>	<u>EXHIBIT</u>
CI-[REDACTED]/2011 - Case Initiation [REDACTED]	1
MOI-11/30/2011- Subject Interview [REDACTED]	2
MOI-01/09/2012- Interview of [REDACTED]	3
MOA-01/24/2012- [REDACTED] Document	4
SIR-01/23/2012- Criminal Declination	5



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
61 FORSYTH STREET, SW
ATLANTA, GA 30303-3104**

REFERRED FOR ACTION REPORT OF INVESTIGATION CONCERNING

[REDACTED]

OI-AT-2011-ADM-2824

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Distribution:

DIRECTOR,
DIVISION

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DIVISION

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BRANCH

Approvals:

Special Agent

Special Agent in Charge

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.: OI-AT-2011-ADM-2824 **DATE OPENED:** 08/2011

CASE TITLE: [REDACTED] **CASE AGENT:** [REDACTED]

CASE CATEGORY: EMPLOYEE INTEGRITY **OFFICE:** OFFICE OF INVESTIGATIONS - ERC
ATLANTA/EASTERN RESOURCE CENTER

JOINT AGENCIES: None

JURISDICTION: GEORGIA

SECTION A - NARRATIVE

Predication

This investigation was initiated upon receipt of the allegation that [REDACTED] Officer, [REDACTED] Branch, [REDACTED] Division, EPA Region 4, misused government computer by participating in on-line dating activities during normal business hours. Additional allegations of misconduct were uncovered as a result of an unrelated EPA-OIG investigation in which [REDACTED] was identified as a [REDACTED] refer to EPA-OIG [REDACTED]

Possible violations:

1. EPA POLICY 3120.1(30), Conducting personal affairs while in duty status
2. TITLE 5 CFR PART 2635.705, Standards of Ethical Conduct for Employees of the Executive Branch, Subpart G - Use of Official Time.
3. EPA POLICY 2100.3 A1, Policy on Limited Personal Use of Government Equipment
4. EPA POLICY 3120.1(22), Negligent performance of duties
5. EPA POLICY 3120.1(7), Conduct which is generally criminal, infamous, dishonest, immoral or disgraceful
6. EPA POLICY 3120.1(11), Using government property or Government employees in duty status for other than official purposes
7. EPA POLICY 3120.1(17), Loss or damage to government property, records, or information
8. EPA POLICY 3120.1(16), Deliberate misrepresentation, falsification, concealment or withholding of a material fact
9. EPA POLICY 3120.1(20), Insubordinate defiance of authority

10. EPA POLICY 3120.1(43), Willfully using or authorizing the use of a government passenger motor vehicle for unofficial purposes
11. EPA POLICY 3120.1(27), Forging or falsifying official Government records or documents

Impact/Dollar Loss

The adverse effects of these investigative findings on the employee's credibility will impair [REDACTED] ability to conduct [REDACTED] official duties, in that the employee is in a sensitive position ([REDACTED] Officer) requiring [REDACTED] to testify, under oath, in official EPA administrative proceedings.

Synopsis

On [REDACTED] 2011, [REDACTED] Chief, [REDACTED] Branch, and [REDACTED] Deputy Director, [REDACTED] Division, EPA Region 4, contacted EPA-OIG regarding the possible assault of an EPA employee and theft of EPA equipment. [REDACTED] reported that [REDACTED] [REDACTED] Officer, [REDACTED] Branch, EPA Region 4, was on official government travel when [REDACTED] was allegedly assaulted, and had EPA, as well as personal, property stolen. During the course of this investigation, EPA-OIG discovered that [REDACTED] provided differing accounts of the events surrounding this incident to EPA management, local police, and EPA-OIG. When [REDACTED] travel voucher for this temporary duty assignment (TDY) was reviewed, several of the claims appeared suspicious. As this investigation continued, [REDACTED] again contacted EPA-OIG with additional allegations involving [REDACTED]. On this occasion, [REDACTED] alleged that [REDACTED] was misusing [REDACTED] government issued computer by conducting on-line dating activities during regularly scheduled work hours. Evidence gathered during this investigation substantiated the allegations that [REDACTED] (1) intentionally mislead and/or concealed information from [REDACTED] managers and EPA-OIG related to an alleged assault and subsequent theft of EPA equipment; (2) deliberately falsified claims on [REDACTED] travel voucher; (3) intentionally misused the Government rented vehicle during [REDACTED] TDY; and (4) extensively utilized [REDACTED] government computer, and email address, to conduct on-line dating activities during regularly scheduled work hours.

Details

Allegation 1: [REDACTED] mislead and withheld information from EPA-OIG and EPA management related to an alleged assault and the theft of EPA equipment

Allegation 1 Findings: On [REDACTED] 2011, EPA-OIG interviewed [REDACTED] Chief, [REDACTED] [REDACTED] Branch, EPA Region 4, regarding the alleged assault of an EPA employee and theft of EPA equipment. Specifically, [REDACTED] reported that [REDACTED] [REDACTED] Officer, was on official government travel in the [REDACTED] NC from [REDACTED]. [REDACTED] completed [REDACTED] assigned duties on [REDACTED], but failed to meet with North Carolina State Inspectors for a scheduled inspection the following day. (Exhibit 1) When contacted about [REDACTED] absence, [REDACTED] reported that on the previous evening, [REDACTED] went to a local establishment to watch the NBA Finals. According to [REDACTED], [REDACTED] left the establishment after the game. As [REDACTED] approached [REDACTED] parked rental vehicle, [REDACTED] was struck in the head by person(s) unknown. The unknown subject(s) transported [REDACTED] from the scene in [REDACTED] rental vehicle and dumped [REDACTED] approximately 30 miles

away, along I-95. [REDACTED] was found by a concerned citizen who notified the authorities. [REDACTED] was transported to a local hospital for treatment. [REDACTED] was discharged from the hospital the following day, [REDACTED] 2011. [REDACTED] rental vehicle, along with personal and items belonging to the EPA, were stolen by the unknown assailants. According to [REDACTED] [REDACTED] rented another vehicle and completed the remaining scheduled inspections. (Exhibit 1) When [REDACTED] returned to Region 4, [REDACTED] was again questioned about the incident by EPA Region 4 officials. During this questioning, [REDACTED] stated that the blow to [REDACTED] head had dazed [REDACTED] and [REDACTED] could not recall a lot of details about the incident. [REDACTED] had a visible injury to [REDACTED] head [REDACTED] reported that had [REDACTED] been "honest" with [REDACTED] during their previous conversation about the nature/extent of the assault, [REDACTED] would have been immediately recalled from [REDACTED] TDY. (Exhibit 1)

EPA officials requested a copy of the police report for the incident. Initially, [REDACTED] was unable to furnish copies of a police report, the police report case number, or even the name of the police agency to which the crime was reported. Eventually, [REDACTED] furnished this information to EPA. However, various factors lead EPA Region 4 officials to be suspicious [REDACTED] claims. (Exhibits 1, 4, 11) A review of time and attendance records revealed that [REDACTED] utilized 8 hours of Sick Leave for duty time missed on [REDACTED] 2011. (Exhibit 19) On [REDACTED] 2011, EPA-OIG interviewed [REDACTED] regarding the alleged assault and theft. [REDACTED] reported that after completing [REDACTED] official duties work [REDACTED] /2010, [REDACTED] went to [REDACTED] to watch the NBA Finals game. Initially, [REDACTED] described [REDACTED] as a "bar," but later referred to the establishment as a "dance club." [REDACTED] went to the establishment alone and made no specific acquaintances while there. [REDACTED] admitted that [REDACTED] had consumed several alcoholic drinks at [REDACTED] but was adamant that [REDACTED] was not "drunk." Approximately 1 hour after the conclusion of the basketball game, [REDACTED] "thought" [REDACTED] should leave. [REDACTED] reported that this was [REDACTED] last memory until [REDACTED] was found injured and walking on the shoulder of I-95, approximately 30 miles from [REDACTED] [REDACTED] reiterated that [REDACTED] had no memory of leaving [REDACTED] no knowledge of how [REDACTED] had been injured, or how [REDACTED] came to be at the location at which [REDACTED] was found. Photographs of [REDACTED] taken after the assault, showed a great deal of blood on [REDACTED] clothing. (Exhibits 2, 8, 20) [REDACTED] was treated and released from a local hospital. [REDACTED] stated that [REDACTED] hired a taxi for transportation back to [REDACTED] hotel. At some point that day, [REDACTED] contacted [REDACTED] superiors at EPA and [REDACTED] informed of the incident. [REDACTED] reported that [REDACTED] "played down" the extent/nature of [REDACTED] injury to [REDACTED] superiors because [REDACTED] did not want to be recalled from TDY prior to finishing [REDACTED] assignment. [REDACTED] reported that [REDACTED] completed the remainder of the scheduled inspections. According to [REDACTED] [REDACTED] utilized taxis and State personnel as transportation for the remainder of [REDACTED] trip. (Exhibits 2, 8, 20) One evening after work, a State officer took [REDACTED] to [REDACTED] in an effort to locate the missing rental vehicle. The vehicle was not at the location. (Exhibit 2) [REDACTED] reported on the day of [REDACTED] scheduled departure ([REDACTED] 2011), [REDACTED] contacted police and inquired if [REDACTED] rental vehicle had been impounded. [REDACTED] stated that at some point that date, [REDACTED] "posed as an investigator," contacted [REDACTED] and inquired as to the disposition to vehicles abandoned at the location. [REDACTED] was informed that no vehicles had been recently towed from the location. Because [REDACTED] needed transportation back to the Raleigh/Durham Airport, [REDACTED] stated that [REDACTED] went to Budget in [REDACTED] informed them that [REDACTED] rental vehicle had been stolen and requested a "replacement." Budget refused to provide a replacement vehicle without a police report for the missing vehicle. [REDACTED] then obtained a replacement vehicle from another carrier. (Exhibits 2, 8, 20) According to [REDACTED] [REDACTED] then went to obtain a copy of the police report related to the incident. [REDACTED] reported the [REDACTED] Sheriff's Office ([REDACTED] refused to provide [REDACTED] with a copy of the narrative of the incident report and refused to investigate the incident because it occurred within the jurisdiction of the [REDACTED] Police Department ([REDACTED] Thus, [REDACTED] went to [REDACTED] to report the incident. Detective [REDACTED] was assigned as the

investigating officer. [REDACTED] reported that [REDACTED] had not spoken with anyone from [REDACTED] or [REDACTED] since [REDACTED] 2011. [REDACTED] stated that [REDACTED] extended [REDACTED] TDY one extra day to search for the missing vehicle. (Exhibits 2, 8, 20) On multiple occasions during the OIG interview, [REDACTED] denied any knowledge or memory of the assault or theft. [REDACTED] denied any knowledge or memory of events which occurred between the time [REDACTED] "thought of leaving [REDACTED] and was found walking on I-9. In addition, [REDACTED] denied any knowledge as to the disposition or location of any of the items reported as missing/stolen, i.e. vehicle, computer, camera, etc..., in this incident. (Exhibits 2, 8) On [REDACTED] 2011, EPA-OIG met with Detective [REDACTED] [REDACTED] identified the "dance club" referred to as [REDACTED] by [REDACTED] as an adult entertainment club (AKA: strip club) called the [REDACTED] [REDACTED] identified the [REDACTED] [REDACTED] as a high crime rate area and the site of numerous criminal incidents, including assaults and robberies. [REDACTED] provided the EPA-OIG with complete copies of the [REDACTED] and [REDACTED] incident reports. (Exhibit 3) The [REDACTED] incident report stated that [REDACTED] reported [REDACTED] last memory of the evening was leaving [REDACTED] at approximately 10:00pm of [REDACTED] 2011. [REDACTED] confirmed that [REDACTED] spoke with [REDACTED] twice on [REDACTED]/2011 to discuss the incident. On both occasions, [REDACTED] denied any memory of the incident. On one occasion, [REDACTED] told [REDACTED] that [REDACTED] had contacted the manager of the [REDACTED] posing as an "investigator." Based on this contact, [REDACTED] informed [REDACTED] that [REDACTED] learned that [REDACTED] had been "thrown out" of the [REDACTED] on the night of [REDACTED] 2011. (Exhibit 3) On [REDACTED] 2011, EPA-OIG was notified that [REDACTED] stolen rental vehicle had been recovered in York, PA, on [REDACTED] 2011. Budget Rental Car officials reported that no blood was found on or inside the rental vehicle. (Exhibits 5 - 7) On October 27, 2010, EPA-OIG re-interviewed [REDACTED] regarding the allegations identified in this report. During this interview, [REDACTED] admitted that [REDACTED] deliberately concealed the nature of the incident location [REDACTED] from EPA-OIG because it was none of their (EPA-OIG) business what [REDACTED] did when [REDACTED] went out. When confronted with [REDACTED] inconsistent statements (i.e. informing [REDACTED] superiors [REDACTED] was assaulted in the parking lot of the [REDACTED], informing [REDACTED] [REDACTED] had been kicked out of the club, and informing the EPA-OIG [REDACTED] had no memory or knowledge of the event), [REDACTED] simply replied that [REDACTED] was "sticking" with [REDACTED] previous statement to the EPA-OIG. (Exhibit 8) [REDACTED] statements that [REDACTED] left [REDACTED] at approximately 10:00pm or shortly after the basketball game were inconsistent with evidence recovered during this investigation. A review of the transactions made to [REDACTED] government issued travel card, identified a transaction at [REDACTED] on [REDACTED] 2011. In order for this transaction to occur, [REDACTED] would have had to been present at [REDACTED] later than 12:00am. Therefore, the time at which [REDACTED] actually left [REDACTED] remains undetermined. [REDACTED] was not found by [REDACTED] at 4:19am. (Exhibits 2, 3, 8, 10, 20)

Evidence obtained during this investigation substantiated that allegation that [REDACTED] willfully withheld material information from [REDACTED] supervisors and EPA-OIG regarding the described assault and theft of EPA equipment. Citations: • EPA Manual 65000, Chapter 3, Section (3)(a) directs all EPA employees to: "...cooperate with the OIG during audits and investigations...Disclose and provide information to matters under review..."; • EPA Administrator's Directive, dated 08/07/2009, directs all EPA "EPA managers and staff must not conceal information or obstruct OIG audits, investigations or other inquiries..."; • EPA Policy 3120.1 (16) prohibits the deliberate concealment of material facts; and • EPA Policy 3120.1 (43) prohibits the defiance of an official order.

Allegation 2: Misuse of Government Owned or Leased Vehicle

Allegation 2 Findings: Interviews and documents collected by the EPA-OIG revealed:

██████████ official duties required the use of government furnished vehicles. The travel authorization for ██████████ 2011 temporary duty travel to ██████████ NC, included costs associated with the rental of a vehicle for use in the performance of ██████████ official duties. (Exhibit 10) On ██████████ 2011, ██████████ rented a vehicle ██████████ from BUDGET Rental Car at the Raleigh/Durham, NC Airport. ██████████ was given the preferred government rental rate and utilized ██████████ government travel credit card to rent the vehicle. On the rental agreement, ██████████ declined insurance coverage, opting for the government to self-insure included in the government rental rate. ██████████ utilized the rental vehicle to travel to ██████████ temporary duty station, ██████████ NC. (Exhibits 2, 8, 15-17, 20) On ██████████ 2011, ██████████ utilized the rental vehicle to conduct ██████████ official EPA duties. That evening, ██████████ drove the government rental vehicle to a "strip club" in ██████████ identified as ██████████. ██████████ was identified as a high crime rate area by ██████████. At the time the vehicle was parked at ██████████ it contained an EPA laptop computer and camera, as well as various personal items belonging to ██████████ such as work boots, book bag and medication. ██████████ admitted to consuming alcoholic beverages at ██████████. At some point that evening, or early the next morning, ██████████ alleged that ██████████ was assaulted and the rental vehicle, along with its contents and several personal items, was stolen. Specifically, ██████████ reported the following items stolen: ██████████ wallet, ██████████ personal cellular telephone, medication EPA issued computer, and EPA issued camera. (Exhibits 1-4, 8, 20) The missing computer was described as a "pool laptop." It contained no classified or confidential business information (CBI). In addition, no personally identifiable information (PII) "should" be contained on the unit. However, information related to enforcement actions, described as enforcement confidential, "may" have been on the computer. The missing camera was previously reported as lost by ██████████. However, ██████████ claimed to have "found the camera while packing for the ██████████ TDY. (Exhibits 1, 4) In the days following the assault/theft, ██████████ searched the ██████████ area for the missing rental vehicle, but was unable to locate it. ██████████ reported the vehicle as stolen to the ██████████ Police Department on ██████████ 2011. That date, ██████████ utilized ██████████ government credit to rent another vehicle from a different rental car company for transportation back to the Raleigh/Durham Airport. ██████████ returned from temporary duty on ██████████ 2011. (Exhibits 2, 3, 9 10, 15, 20) The vehicle was entered into a national database (NCIC) as stolen by ██████████. At the request of EPA-OIG, the missing EPA equipment was also entered, as stolen, into this database. ██████████ reported the ██████████ investigation would be closed due to a lack of leads. (Exhibits 3 & 4) On ██████████ 2011, ██████████ stolen rental vehicle was recovered in York, PA. The vehicle was abandoned and locked. The keys to the vehicle were not located. There was also damage to the vehicle, i.e. flat tire. Budget had the vehicle towed to its office in Baltimore, MD. None of the missing EPA equipment was located in the recovered vehicle. (Exhibits 5-6, 15-16) On November 15, 2011, EPA-OIG contacted ██████████ Avis/Budget Claims Representative, regarding any damage claims made for vehicle rented to ██████████. ██████████ confirmed a claim for damage had been prepared and was under review; however, the claim had not yet been submitted to the federal government for payment/reimbursement of expenses incurred. (Exhibit 16)

It was Budget's position that ██████████/2011 rental was a contract between Budget and the federal government. This determination was made because: (1) the vehicle was rented to ██████████ for official government business under authorized government travel; (2) the vehicle was rented to ██████████ at the government preferred rate; (3) a government authorized travel credit card was utilized for the rental; and (4) ██████████ declined insurance coverage in lieu of coverage provided in

the government contract. Based on these factors, Budget determined that the rental was a "government contract." (Exhibit 16)

After discussing the situation with [REDACTED] supervisor, [REDACTED] reported that Budget would not file a claim with the federal government for reimbursement of expenses incurred. [REDACTED] reported that it was Budget's policy not to pursue such claims on government contracts. Therefore, Budget would absorb all costs associated with this incident. The fact that [REDACTED] was engaged in personal business at the time of the incident did not alter Budget's decision. Budget considered their contract with the federal government to extend the entire length of the signed agreement with [REDACTED] (Exhibit 16) Based on the facts above, it was determined that [REDACTED] rental vehicle met the description of a Government-furnished vehicle. Therefore, the allegation that [REDACTED] misused [REDACTED] government furnished vehicle, in violation of federal stature, regulation, and EPA policy, was substantiated. In addition, [REDACTED] failure to properly secure EPA owned property lead directly to the loss of said property. Citations: • 31 U.S.C. 638a(c)2 reads that: "...the unofficial use of any type of Government-owned motor vehicle is extended to cover motor vehicles of any type leased or rented by Reclamation..."; • 41 CFR 301-10.201 describes the unauthorized use of Government-furnished vehicles as: "(2)(c) Going to liquor stores, bars, or lounges..."; • EPA Policy 3120.1 (16) prohibits the willful use of a government passenger motor vehicle for unauthorized purchases; and • EPA POLICY 3120.1(17), Loss or damage to government property, records, or information

Allegation 3: [REDACTED] intentionally made fraudulent claims within travel voucher related to official government travel

Allegation 3 Findings: On [REDACTED] 2011, EPA-OIG interviewed [REDACTED] regarding an alleged assault and theft of government equipment which occurred while [REDACTED] was on official government travel. [REDACTED] was identified as the [REDACTED] in this incident. In [REDACTED] telling of the incident, and its aftermath, [REDACTED] described numerous unexpected expenses incurred. [REDACTED] also reported that [REDACTED] extended [REDACTED] official travel by one day because of the incident. The factors described by [REDACTED] would have greatly increased the costs associated with this official travel. (Exhibit 2) Upon [REDACTED] return, [REDACTED] submitted a travel voucher for expenses related to the [REDACTED]/2011 travel to [REDACTED] NC. Prior to submitting a travel voucher claim, the claimant must certify the claim as "accurate." This certification advised the claimant of "...severe criminal and civil penalties for knowingly submitting a false, fictitious or fraudulent claim..." [REDACTED] certified the claim as true and correct. [REDACTED] received payment of \$[REDACTED] for this claim. (Exhibits 8-10, 17-18, 20) A copy of [REDACTED] travel authorization and voucher for the temporary duty assignment was provided by [REDACTED]. These documents indicated that [REDACTED] travel authorization was approved for estimated expenses incurred between [REDACTED] 2011, totaling \$[REDACTED]. [REDACTED] approved travel voucher totaled \$[REDACTED]. These totals conflicted with the dates and costs provided to EPA-OIG by [REDACTED] reported that [REDACTED] retained any/all receipts related to this travel. (Exhibits 9-10, 17) When questioned by EPA-OIG, [REDACTED] reported that [REDACTED] original travel voucher for this trip was rejected because: (1) the voucher dates exceeded the authorized dates of travel; and (2) the voucher total exceeded the authorization total by more than 8%, therefore, an amended authorization was required. [REDACTED] reported that had [REDACTED] been forthright with [REDACTED] superiors at EPA at the time the incident was reported, [REDACTED] would have been immediately recalled from temporary duty. Therefore, [REDACTED] felt that [REDACTED] unauthorized extension of [REDACTED] trip to [REDACTED]/2011 was unwarranted. [REDACTED] was informed that the extended dates and expenses were not authorized and [REDACTED] claim was disapproved. Subsequently, [REDACTED] submitted the travel

voucher claiming \$[REDACTED] in expenses. (Exhibit 9-10, 20) [REDACTED] reported that [REDACTED] was suspicious of the claim (travel voucher). According to [REDACTED] when [REDACTED] was questioned about the missing expenses on [REDACTED] final voucher, [REDACTED] stated that [REDACTED] would "just eat those" expenses. [REDACTED] opined that [REDACTED] "inflated" some of [REDACTED] authorized charges to collect the maximum amount allowed above the authorized expenses. (Exhibit 9) After [REDACTED] voucher was submitted, [REDACTED] was contacted by [REDACTED] regarding the outstanding balance on [REDACTED] government travel credit card. According to [REDACTED] the outstanding balance. [REDACTED] was previously counseled for failure to pay the balance of [REDACTED] government travel card. However, [REDACTED] thought all issues related to [REDACTED] government issued travel card had been previously resolved. During this conversation, [REDACTED] learned that the outstanding balance related to [REDACTED] 2011 travel to [REDACTED] NC. When checked, [REDACTED] learned that the outstanding balance was significantly higher than the expenses claimed and approved. (Exhibits 9-11) EPA-OIG examined [REDACTED] travel voucher. Several of the claims appeared suspicious because they were for whole/rounded dollar amounts. Further, [REDACTED] claimed \$30 for telephone calls made home; however, during a previous EPA-OIG interview, [REDACTED] claimed to have a cellular telephone with [REDACTED] during the temporary duty assignment. In addition, the difference between [REDACTED] approved travel authorization and voucher was calculated at 7.89%, just under the allowed 8% threshold. (Exhibits 2, 9 & 10) An EPA-OIG query of charges to [REDACTED] government issued travel credit card (GOVCC) revealed in excess of \$1900 charged to [REDACTED] GOVCC for the [REDACTED] NC assignment. This review revealed that all major expenses incurred by [REDACTED] related to the TDY (airfare, hotel, rental car) were paid via the government issued travel credit card. This review also revealed that in addition to other minor charges, [REDACTED] made in excess of \$750 in cash advances against [REDACTED] government issued travel credit card for this TDY. (Exhibit 10) On October 27, 2011, EPA-OIG interviewed [REDACTED] Prior to this interview, [REDACTED] was instructed to bring all available receipts to support the claims made on [REDACTED] travel voucher for the [REDACTED]/2011 travel to [REDACTED] NC, to this interview. When [REDACTED] reported to this interview, [REDACTED] stated that [REDACTED] possessed no receipts, other than airfare, for the expenses claimed. EPA-OIG provided [REDACTED] with additional time to collect the needed receipts. (Exhibits 8, 20) During this EPA-OIG interview, [REDACTED] confirmed that [REDACTED] original travel voucher was rejected by EPA management. In addition, [REDACTED] was informed that any amendment to [REDACTED] original travel authorization would be denied because [REDACTED] had failed to get prior approval from management to extend [REDACTED] TDY. [REDACTED] admitted that, in response, [REDACTED] intentionally falsified claims on [REDACTED] travel voucher in order to recover as much of the unauthorized costs as [REDACTED] could. [REDACTED] stated that [REDACTED] transferred the estimated costs from [REDACTED] travel authorization to [REDACTED] travel voucher. [REDACTED] was aware that an amended authorization was not required if the voucher claim did not exceed the authorized costs by no more than 8%. Therefore, [REDACTED] added an expense for gasoline to the voucher to bring the total claim to just under the 8% threshold. [REDACTED] confirmed that the claims on [REDACTED] voucher did not accurately reflect the actual expenses incurred, but asserted that the actual expenses incurred were higher than claimed. (Exhibits 8, 20)

[REDACTED] reported that [REDACTED] was aware of [REDACTED] actions regarding the expenses claimed on [REDACTED] travel voucher. Subsequently, [REDACTED] provided the EPA-OIG with a copy of an email alleging to support this claim. In this email, [REDACTED] stated "...I have decided to add an expenses amount that will not exceed the 8% overage level." Nowhere in the message did [REDACTED] report that the added expenses were not accurate. (Exhibit 21) EPA-OIG conducted a comparative review of [REDACTED] travel authorization and voucher. The review confirmed that the authorized expenses matched the expenses claimed on the voucher with one exception, a gasoline claim for rental vehicle

totaling \$96. No projected expense for this claim was found on the approved travel authorization. (Exhibit 17)

A second review of charges made to [REDACTED] government issued travel credit card focused on possible fuel transactions. Three transactions were identified. However, the record revealed that at least one these transactions involved a cash advance, amount unknown. Therefore, [REDACTED] fuel expenses for this TDY could not be accurately determined, but were estimated at less than \$82.

(Exhibit 17) Evidence collected during this investigation substantiated the allegation that [REDACTED] deliberately filed a false claim against the US Government, specifically the EPA, in violation of federal law and EPA policy. The loss to the government was estimated at less than \$100.

Citations: • 18 USC §§ 287 (False, fictitious, or fraudulent claims) states: "Whoever makes or presents to any person or officer...to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be imprisoned not more than five years and shall be subject to a fine in the amount provided in this title"; and • EPA POLICY 3120.1(27) prohibits the falsification official Government records or documents.

Allegation 4: [REDACTED] intentionally misused [REDACTED] government office equipment

Allegation 4 Findings: On June 23, 2011, [REDACTED] contacted the EPA-OIG regarding the alleged misuse of EPA office equipment by [REDACTED] reported that earlier this date, [REDACTED] observed an unclaimed document on the office's community printer. Upon examination, [REDACTED] identified the document as a "flirt message" from the dating site "[REDACTED].com." The message, dated [REDACTED] 2011, was addressed to [REDACTED] via [REDACTED] account [REDACTED] [REDACTED] viewed the use of EPA equipment to conduct internet dating activities as a violation of EPA's policy regarding the limited personal use of government office equipment. According to [REDACTED] had been counseled and/or reprimanded for actions related to the misuse of [REDACTED] EPA issued computer on two previous occasions. [REDACTED] turned over a copy of the seized document to EPA-OIG. (Exhibit 11)

[REDACTED] was aware that [REDACTED] was part of an ongoing EPA-OIG investigation. [REDACTED] was concerned because [REDACTED] behavior had become "erratic," [REDACTED] had been "taking a lot of leave," and "job performance" issues had surfaced over the past several months. [REDACTED] reported that [REDACTED] was restricted to office duty pending the resolution of the EPA-OIG investigations.

(Exhibit 11) On [REDACTED] 2011, EPA-OIG imaged the hard drive of the EPA computer located [REDACTED] workspace (cubicle). (b) (6), (b) (7)(C), (b) (7)(E)

[REDACTED] (Exhibits 12 & 13) A review of [REDACTED] (b) (7)(E) hard drive confirmed the primary user as [REDACTED] This (b) (7)(E) [REDACTED] is solely assigned to [REDACTED]. (Exhibit 14)

The forensic examination of the data contained on the hard drive image revealed that while using [REDACTED] assigned EPA computing system, [REDACTED] frequented adult dating and social networking websites during official business hours. Some of these social networking/dating sites frequented by [REDACTED] were: • www.[REDACTED].com; • www.match.com; • www.xxx[REDACTED].com; • [REDACTED].e.com; • www.FaceBook.com; • Windows live (chatting and emails); and • Yahoo (chatting and email). (Exhibit 14) The forensic examination revealed that [REDACTED] had over 400,000 hits during the periods of April 16, 2009 to July 25, 2011 on [REDACTED].com and over 300,000 hits from May 22, 2008 to July 28, 2011 on Facebook.com. Hits were defined as the count of visits to a particular website. Since websites

auto refreshes to update contents on frequently, it was determined that [REDACTED] spent a minimum of 4-5 hours per day on these particular websites. (Exhibit 14) In addition, forensic examination revealed that [REDACTED] viewed and uploaded various images to these websites. No contraband, or items related to adult or child pornography were discovered during the review of these images.

(Exhibit 14) On October 27, 2011, EPA-OIG interviewed [REDACTED] regarding this allegation. [REDACTED] acknowledged that [REDACTED] was aware of, understood, and received training

regarding EPA's policy regarding limited personal use of government equipment. [REDACTED] confirmed that [REDACTED] was previously reprimanded for viewing pornographic images on [REDACTED] government computer. (Exhibit 8) During the EPA-OIG interview, [REDACTED] admitted that [REDACTED] spends

at least 5-6 hours per day on these social networking/dating sites. [REDACTED] reported that [REDACTED] sometimes has to stay late at work, sometimes as late as 10pm, to try and make up the time [REDACTED] spent on these sites during official business hours. [REDACTED] admitted that spending this much time on these

websites affects [REDACTED] job performance. [REDACTED] utilized [REDACTED] EPA email address as [REDACTED] contact information and received emails directly at [REDACTED] EPA email address from parties attempting to contact [REDACTED] from these websites. Using the EPA email address as [REDACTED] point of contact provided [REDACTED] with immediate notification of the messages, so [REDACTED] could open it from [REDACTED] work station, and respond immediately, if desired. [REDACTED] stated that [REDACTED] often became "hyper focused" when accessing

these sites and would spend several hours messaging and searching other profiles. [REDACTED] blamed [REDACTED] for this behavior. [REDACTED] claimed [REDACTED] was diagnosed with

[REDACTED] sometime in 2008. [REDACTED] stated [REDACTED] informed [REDACTED] supervisor ([REDACTED]) of [REDACTED] diagnosis and was taking medication to control the symptoms.

(Exhibit 8) Evidence collected during this investigation substantiated the allegations that [REDACTED] deliberately misused government office equipment (i.e. EPA issued computer and EPA address) and failed to properly utilize [REDACTED] official work hours in violation of EPA and federal regulations.

Citations: • 5 CFR 2635.705 (Use of Official Time) states: "...an employee shall use official time in an honest effort to perform official duties..."; and • EPA Policy 2101.0 - Limited Personal Use of Government Office Equipment states: "...Limited personal use is authorized during non-work time if it does not reduce your productivity or interfere with your official duties or the official duties of others..." • EPA Policy 3120.1(30), Conducting personal affairs while in duty status

Disposition

This case is referred to EPA Region 4 officials for administrative action.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: [REDACTED]

Title & Company: [REDACTED] OFFICER & [REDACTED] BRANCH

Role: Subject

Business Address: 61 FORSYTH STREET, ATLANTA, GA,

Business Phone:

EPA Employee: Y

SECTION C – PROSECUTIVE STATUS

ADMIN/CRIMINAL/CIVIL ACTION(S):



Criminal prosecution of this case was declined.

EXHIBITS

DESCRIPTION	EXHIBIT
Other Document-11/07/2011-Theft of Equipment Complaint	1
Other Document- [REDACTED] /2011- Orgininal [REDACTED] Interview [REDACTED] /2011 Copi...	2
Other Document- [REDACTED] /2011- [REDACTED] Records & Interview - Copied from [REDACTED] ...	3
Other Document-11/07/2011-ID of Missing EPA Equipment	4
Other Document-11/07/2011-Recovery of Stolen Vehicle	5
Other Document-11/07/2011-Inventory of Recovered Vehicle	6
MOI-10/24/2011- [REDACTED] Follow-up	7
MOI-10/28/2011- [REDACTED] 10_27_2011	8
MOA- [REDACTED] /2011- Review of Travel Voucher	9
MOA-10/21/2011-TA and GOVCC Query	10
MOI- [REDACTED] /2011- Interview of Complainant	11
MOA- [REDACTED] /2011-Acquisition of Subject [REDACTED] ' Desktop Dell PC	12
MOA [REDACTED] /19/2011- (b) (7)(E) [REDACTED]	13
Computer Forensics-Report-11/10/2011- [REDACTED] Internet History	14
MOI-11/10/2011- Intrvw [REDACTED] - Budget Rental Car RDU	15
MOI-11/15/2011- [REDACTED] Budget Claims rep	16
MOA-11/14/2011-Review of GovTrip Records	17
MOA-11/18/2011-GovTrip Records (2)	18
MOA-11/18/2011-Time-Attendance Records for [REDACTED]	19
MOI-11/18/2011- [REDACTED]	20
MOA-12/01/2011-Review of Email	21



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
NORTHEASTERN RESOURCE CENTER
290 BROADWAY, ROOM 1520
NEW YORK, NY 10007-1866**

FINAL OF INVESTIGATION CONCERNING

[REDACTED]
OI-NE-2011-ADM-2773

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Approvals:

Special Agent

Special Agent in Charge

**OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS**

CASE NO.: OI-NE-2011-ADM-2773 **DATE OPENED:** 03/29/2011

CASE TITLE: [REDACTED] **CASE AGENT:** [REDACTED]

CASE CATEGORY: EMPLOYEE INTEGRITY **OFFICE:** OFFICE OF INVESTIGATIONS

JOINT AGENCIES: None

JURISDICTION: DISTRICT OF COLUMBIA

SECTION A - NARRATIVE

Predication

This investigation was opened as a case on March 29, 2011, based on an EPA-OIG Hotline anonymous complaint that was recieved on February 10, 2011. The complaint alleged that the [REDACTED], Washington, DC, had been taking inappropriate foreign travel that was funded by the government. The caller specifically alleged that [REDACTED] had traveled to [REDACTED] to visit [REDACTED]

Possible violations:

1. EPA POLICY 3120.1(12), Use of official authority or information for private gain
2. TITLE 5 CFR PART 2635.702, Standards of Ethical Conduct for Employees of the Executive Branch, Subpart G - Misuse of Position, Use of public office for private gain.

Impact/Dollar Loss

This investigation did not quantify the impact or loss associated with the misconduct of the employee.

Synopsis

This investigation determined that [REDACTED] may have mis-used [REDACTED] position as a federal employee to solicit travel to speaking engagements at [REDACTED] through a series of unsolicited emails with representatives of each university. This travel would have enabled [REDACTED] to visit [REDACTED] overseas. Due to the fact that this entire trip was subsequently cancelled this matter is closed and will not be referred for further action.

Details

Allegation 1: This case involves allegations that an EPA employee may have mis-used [REDACTED] position as a federal employee.

Allegation 1 Findings: This investigation determined that [REDACTED] may have mis-used [REDACTED] position as a federal employee to solicit travel to speaking engagements at [REDACTED] through a series of unsolicited emails with representatives of each university.

The investigation identified three messages with the subject identified as "Education Outreach Program." The initial message in this string, dated [REDACTED] 2010, was sent from [REDACTED] to [REDACTED]. [REDACTED] message stated "I am contacting you at the suggestion of your lovely [REDACTED], whom I had the pleasure to meet in Boston a few weeks ago in connection with my [REDACTED] interest in attending [REDACTED] in the Spring as a visiting student. [REDACTED] United States Environmental Protection Agency. My Office supports and funds educational outreach programs, i.e. speaking presentations, on my Agency, US environmental law, [REDACTED]. [REDACTED] We routinely make such presentations at colleges and universities here in the U.S. However, I would welcome the opportunity to make a similar presentation in the [REDACTED], if you believe such would be relevant and beneficial to you, your classes and your University." The next message in this string consisted of [REDACTED] response to [REDACTED] dated [REDACTED] 2010, that started by stating it was nice to hear from [REDACTED] "out of the blue" and concluded that [REDACTED] would pass [REDACTED] message along to other individuals responsible for scheduling such seminars. The last message in this string was a response to [REDACTED] from [REDACTED], also dated [REDACTED] 2010, which expressed interest in scheduling a seminar with [REDACTED] and inquired about scheduling such an event.

A review of the EPA's Fast International Approval & Tracking (FIAT) database revealed that there were five records associated with [REDACTED] international travel. Four of those records were associated with trips that were completed between [REDACTED] 2005 and [REDACTED] 2009. The destinations of those trips were [REDACTED] (2 times), [REDACTED] and [REDACTED]. The fifth record was associated with a request for travel that had been created by [REDACTED] on [REDACTED] 2011. The destination for this trip was [REDACTED] with the period of travel from [REDACTED] 2011 through [REDACTED] 2011. According to the record, the purpose of the travel was to deliver environmental law and policy training courses at the premier Universities in the [REDACTED]. The FIAT database also contained travel request for [REDACTED] for the same travel dates, location and purpose. The approval section of both [REDACTED] and [REDACTED] documents indicated that the requests were cancelled on [REDACTED], EPA OA, Office of Executive Services.

OI obtained and forensic analyzed [REDACTED] EPA Lotus Notes email database based on search criteria that included the keywords: [REDACTED] and [REDACTED] covering the past six-months. The analysis resulted in the identification of 36-emails in the Lotus Notes database account assigned to [REDACTED]. A review of those emails revealed that many were duplicative in that they consisted of a series of exchanges and responses that became longer strings of multiple messages. This review focused on 14-email strings

that either incorporated or extended another 17 earlier email strings. Among these emails a two message string with the subject identified as "Speaking Engagements." The initial message in this string, dated [REDACTED] 2011, was sent by [REDACTED] to [REDACTED] EPA Office of General Counsel, Washington, DC, in which [REDACTED] wanted to "inquire about the propriety of EPA paying my (and [REDACTED]) travel expenses in connection with certain speaking engagements I have coming up at the end of [REDACTED] at the [REDACTED] [REDACTED]" [REDACTED] message described how the speaking engagements came about as follows:

"Late last school year, while my [REDACTED] and I were at an informational session in Boston regarding [REDACTED] attending [REDACTED] as a visiting student in the future, the recruiter mentioned that the father of her brother-in-law or someone attenuated like that was a professor of environmental studies in [REDACTED] and encouraged me to contact him based upon our mutual interests. So as a courtesy I made polite initial contact with the brother-in-law's father by e-mail, who as I recall, was not that thrilled to hear from me but forwarded my contact info onto some other colleague at [REDACTED] who was. I then mentioned to this contact that our Office conducts and funds outreach educational programs, and this person sent me a written invitation to speak at [REDACTED] and I accepted. At the time I accepted, [REDACTED] had not yet been offered a position at [REDACTED] for the second semester of this year, nor was it clear [REDACTED] would go if [REDACTED].

Because of my busy [REDACTED] which is planned out 3-6 months in advance, [REDACTED] & I were eventually able to agree for me to come and speak at the end of this month. In that my [REDACTED] is a currently a [REDACTED] at [REDACTED] in [REDACTED], I thought I would reach out and contact the [REDACTED] school there and see if it too would be interested in having me speak to their [REDACTED] students. [REDACTED] too was enthusiastic to have me speak to its students regarding EPA and its [REDACTED] program and has invited me to speak there the week after my Thursday or Friday presentation in [REDACTED]

We have just submitted the ITP for these trips to EPA, which has the Agency paying my travel expenses and those of [REDACTED], [REDACTED] to speak at the Universities. It is my plan to take annual leave and pay for all my expenses for the few days between the 2 speaking engagements and visit with [REDACTED] during that time period."

Agent's Note: [REDACTED] referenced in [REDACTED] message was a staff attorney in the [REDACTED] Washington, DC.

[REDACTED] message concluded by stating "I have been to the [REDACTED] many times, and was just in [REDACTED] for a week dropping [REDACTED] at school, and plan to visit [REDACTED]." [REDACTED] response dated [REDACTED] 2011, advised that: "Based on your own words, if asked in advance, [REDACTED] You have expressed a personal motivation for wrangling the invitation, so (b) (6), (b) (7)(C), (b) (5) [REDACTED]

█████ message also advised that █████ should check with █████ own organization's policy on taking leave while on international travel.

Another email string was a continuation of the previously describe string above, although it was missing █████ initial message and included █████ response to █████ dated █████ 2011. █████ response stated "Please be assured that it was not that I was ignoring my ethical obligations in regard to offer to speak and/or travel, it was simply that the ethical implications of inquiring as to █████ interest in having me speak had not occurred to me earlier. On the up side, as least, I did think to contact you before EPA approved by ITP and before I actually travelled or spoke anywhere. So, in order to put things right, in terms of ethics, I have already amended my proposed ITP so that I am only requesting EPA authorization (and funding) to travel to speak at █████

The prior email string was a continued that included another message from █████ also dated █████ 2011, and █████ response of the same date. In this email string, █████ responded to █████ by including an excerpt from the EPA Travel Manual concerning taking leave in conjunction with official travel and requested advice for taking leave while on international travel. █████ response was to state "█████ not each office's idiosyncratic leave policies."

The next email string included four messages with the subject identified as "travel plans?" The initial message in this string, dated █████ 2011, was sent by █████, EPA Office of the Administrator, to █████ which raised the following questions:

"1. (b) (5), (b) (6), (b) (7)(C)

?"

The next message in this string was █████ response dated █████ 2011, that stated "Each █████ school extended me an invitation to make a presentation concerning EPA's █████ system" and "We coordinated the trips for cost and time savings purposes." █████ message also stated "It is likely that the formal presentations may last 2-3 hours or more, depending on the format and questions raised by the guest participants." █████ response added that █████ role would be to act as a witness and facilitator for █████ presentation and interaction with potential █████ message also contained the following statement: "Any decision you reach on the matter is fine frankly, as I am not thrilled by the thought of returning to the cold and damp of the █████ before the Spring. While I have never traveled to the █████ for the Agency before, I do travel there quite frequently particularly over the holidays to visit █████ and in fact just returned from there in January and have plans to go back █████ [sic]."

The third message in this string was a response by █████ dated █████ 2011, in which █████ questioned █████ role and the amount of leave that █████ was going to take during the trip. █████ responded to this message on the same day reiterating the need to have a witness at presentations or meetings involving █████. █████ also stated "As to the vacation, I am certainly happy to reduce the time. At the suggestion of █████ received yesterday █████ had "run away" from the office on vacation for a while which is why it took so long to get █████ response), I amended the ITP to take out the cost of traveling to █████ because █████ at the University and █████ suggested it might look inappropriate for me to travel and speak there even at the █████ at Agency expense." The comment about █████ could be construed as a lack of respect but it may also have misrepresented █████ advice as described in item 3, above. █████

message also included the offer "if it would be allowable, I could purchase my air ticket off of Gov Trip and thereby be responsible for it personally and and [sic] probably save a few hundred dollars in travel expenses."

This email string included two messages with the subject identified as "[REDACTED] visit." The initial message in this string, dated [REDACTED] 2011, was sent by [REDACTED] to [REDACTED] which advised that "We have booked [REDACTED] to give [REDACTED] talk on Thurs [REDACTED] 1-2pm. Some of the students have also expressed an interest in a more informal Q&A session after [REDACTED] talk - would [REDACTED] be willing to do this? Say from 2-3pm?" [REDACTED] message also identified a student who would making any additional arraignments the might be necessary. [REDACTED] response on that same day was to advise that [REDACTED] was (b) (5), (b) (6), (b) (7)(C) [REDACTED] placed on hold, not just for [REDACTED] but for all events currently on the schedule through [REDACTED] 2011."

This email string included two messages with the subject identified as "ITP for [REDACTED] The initial message in this string was dated [REDACTED] 2010, was sent by [REDACTED] to [REDACTED] EPA OA, Office of Executive Services, which stated "After discussing this with [REDACTED], we have concluded that we need to retract the ITP. It is not fair to our hosts at [REDACTED] for that matter) to hold them in limbo this close to the date of the presentations. So, rather than adopt a wait-and-see approach, it would be better to cancel outright. I have communicated this to our contacts in [REDACTED] Please let [REDACTED] know that [REDACTED] need not ponder this particular trip anymore." [REDACTED] replied on that same day advised [REDACTED] would cancel the ITP's for the [REDACTED] trip. Agent's Note: the ITP was the International Travel Plan that was used in EPA's Fast International Approval & Tracking (FIAT) database to request, approve and track international travel by EPA employees.

On [REDACTED] 2011, during an OIG interview, [REDACTED] confirmed that [REDACTED] had advised [REDACTED] on an ethics question involving travel to [REDACTED] knew of [REDACTED] from [REDACTED] the OA's Office of Executive Services (OES) under [REDACTED], Director OES. [REDACTED] added that [REDACTED] recalled being contacted by [REDACTED] who had an ethics question concerning accepting a speaking engagement at the [REDACTED], where [REDACTED] [REDACTED] stated when [REDACTED] received [REDACTED] inquiry via an email dated [REDACTED] 2011, with only a cursory review of its content, [REDACTED] forwarded the email to [REDACTED] because of a question over the need for [REDACTED] staff attorney, [REDACTED]. [REDACTED] explained that [REDACTED] OES was responsible for coordinating, approving and financing international travel for EPA senior management.

[REDACTED] stated after forwarding [REDACTED] email, [REDACTED] with questions over taking leave, use of a compressed day off that also encompassed a weekend for a trip consisting of only two speeches. [REDACTED] advised this response lead to further dialog between [REDACTED] and [REDACTED] via telephone conversations and a closer review of [REDACTED] email inquiry. According to [REDACTED] this dialog and more in-depth review lead to [REDACTED] email response to [REDACTED] dated [REDACTED] 2011. In response to an inquiry by OI, [REDACTED] advised that [REDACTED] response only focused on the [REDACTED] portion of the trip. [REDACTED] added that [REDACTED] aware that the [REDACTED] part of trip had also been initiated through a solicitation made by [REDACTED] opinion, as an ethics official, (b) (5), (b) (6), (b) (7)(C) [REDACTED] advised that the only reason [REDACTED] had not referred this matter for further action was that [REDACTED] learned through [REDACTED] that (b) (7)(C), (b) (6), (b) (5) [REDACTED] also provided confirmation that [REDACTED] had completed the required ethics training for the past seven years.

Another email string had been identified that included string of six messages with the subject identified as "Meeting." The initial message in this string, dated [REDACTED] 2011, did not include any indication of addressees but the message started with the greeting "Dear Professors." [REDACTED] message stated [REDACTED] in Washington, D.C. I have been invited to speak at [REDACTED] at the end of next month and intend thereafter to travel to [REDACTED] I understand that you are [REDACTED] lecturers on [REDACTED] I was wondering if you would be willing and interested in meeting with me to exchange information on the process of [REDACTED] in our two countries." [REDACTED] message was responded to by [REDACTED] on [REDACTED] 2011, who apologized for the delay in responding and added that "field so I am not sure whether I would be able to offer any insights into your own particular area of interest. But I am happy to help if you think I can be of any assistance whilst you are in [REDACTED] The remaining messages were exchanges between [REDACTED] and [REDACTED] to arrange for [REDACTED] to speaking at the university on [REDACTED] 2011 at 6:00 pm.

[REDACTED] opinion, as an ethics official, both solicitations made by [REDACTED] would have (b)

[REDACTED] cancelled the entire trip that had been in question. (5), (b) (6),

Disposition

This investigation determined that [REDACTED] may have mis-used [REDACTED] position as a federal employee to solicit travel to speaking engagements at [REDACTED] through a series of unsolicited emails with representatives of each university. This travel would have enabled [REDACTED] to visit [REDACTED] overseas. Due to the fact that this entire trip was subsequently cancelled this matter is closed and will not be referred for further action.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: [REDACTED]

Title & Company: [REDACTED]

Role: Subject

Business Address:

Business Phone:

EPA Employee: Y

SECTION C – PROSECUTIVE STATUS

ADMIN/CRIMINAL/CIVIL ACTION(S): [REDACTED]

This matter was not referred for any administrative, criminal or civil actions.

EXHIBITS

<u>DESCRIPTION</u>	<u>EXHIBIT</u>
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